

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	)	
	)	
JOSEPH FRIONI AND	)	Bank. No. 13-20470 JAD
DIANE LEE FRIONI,	)	
	)	Chapter 11
Debtors.	)	
	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	Related to
Movant,	)	Document Nos. 57 and 72
	)	
vs.	)	
	)	
	)	Hearing Date
	)	12/17/13 @ 10:00 AM
JOSEPH FRIONI AND	)	
DIANE LEE FRIONI,	)	
	)	
Respondents.	)	

UNITED STATES' OBJECTIONS TO DEBTORS' PLAN OF REORGANIZATION  
DATED SEPTEMBER 30, 2013

AND NOW, comes the United States of America, by its attorneys, David J. Hickton, United States Attorney for the Western District of Pennsylvania, and Edward J. Laubach, Jr., Special Assistant to the United States Attorney for said district, and files the following objections to the debtors' Plan of Reorganization dated September 30, 2013:

1. The Internal Revenue Service has a claim against the debtors in the amount of \$103,855.15, which includes secured claims of \$73,635.94, unsecured priority claims of \$25,170.12,

and general unsecured claims of \$5,049.09. The secured claim is reduced by \$10,500 based on adequate protection payments made by the debtors to date.

2. The debtors' Plan of Reorganization dated September 30, 2013 is objectionable because:

a. the plan proposes to pay the secured and priority tax claims over 72 months rather than 60 months as required by Bankruptcy Code § 1129(a)(9)(C) and (D). The Internal Revenue Service will agree to the payment of these claims over 60 months from the date of confirmation only;

b. the plan does not propose to pay interest on the priority claim of \$25,170.12 over the repayment period as required by Bankruptcy Code § 1129(a)(9)(C) and § 511. The plan must provide for the payment of interest of 3% on the priority claim;

c. the plan appears to ignore the general unsecured claim of the Internal Revenue Service of \$5,049. This claim should be paid in accordance with the treatment given to other general unsecured claims; and

d. the plan attempts to release the agents and employees of the debtors from liability in Paragraph II of the plan when there is no basis to release these nondebtor third parties from such liability.

WHEREFORE, it is prayed that confirmation of the debtors' plan of reorganization dated September 30, 2013 be denied.

DAVID J. HICKTON

United States Attorney

BY: /s/ Edward J. Laubach, Jr.  
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the U.S. Attorney  
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing  
United States' Objections to Confirmation of the Debtors'  
Plan of Reorganization dated September 30, 2013 was served by  
electronic notification on the following on December 2, 2013:

Edgardo D. Santillan on behalf of Debtors  
[edscourt@debtlaw.com](mailto:edscourt@debtlaw.com)

Kathleen Robb on behalf of the United States Trustee  
[Kathleen.Robb@usdoj.gov](mailto:Kathleen.Robb@usdoj.gov)

/s/Edward J.Laubach, Jr.  
Senior Attorney